Enter an Appeal in the above case, to the Court of Appeals of Maryland, for the Decree of the Court passed herein June 11,1923, and forthwith transmit the record to the Court of Appeals.

Leo Weinberg.

Sttorney for Plaintiffs.

District of Columbia, City of Washington, Sct; -

(Filed July 2, 1923)

replied;

I HEREBY CERTIFY That on this 29th day of June, 1923, before the subscriber, a Notary Public, duly commissioned and qualified, in and for the City and District aforesaid, personally appeared Robert C.McLane, one of the Plaintiffs, and made oath in due form of law that the Appeal, herein pacyed, is not entered for the purpose of delay.

Howard F.Phillips
Notary Public.

Notarial

MANDATE.

In the

COURT OF APPEA IS OF MARY IAND.

Robert C.McLane, et al.

vs.

Georgianna Stull McLane, et al.

Boyd, C.J., delivered the opinion of this Court.

A sale was made at public auction by Messers. Rihrback and Meinberg, trustees appointed by the Circuit Court for Frederick County.to Mrs. Georgianna S. McLane. of the properties described in these proceedings as parcel (1) and parcel (2), situated on the north side of West Patrick Street in Frederick Maryland, but by reason of information received after the sale, Mr. Weinberg declined to unite in the report of sale, and filed objections thereto. The other trustee, Mr. Rohrback, reported the sale to that purchaser and Robert V. Molane and others also filed objections to the ratification, in addition to those filed by Mr. Weinberg. It is not contended that the trustee, or either of them. or the auctioneer did, or left undone, anthing which would justify setting the sale aside, but it is claimed that Mrs.McLane the purchaser of the two parcels, improperly induced others not to bid on them and thereby acquired then for such prices and under such circumstances as called upon the Court to set the sale aside. Mrs. MoLane is the widow of Harry O. McLane, deceased, and the mother of Helen Stull MoLane, who survived her father and afterwards died intestate. By a decree of that Court it was determined that the real estate of Harry O.MoLane, who also died intestate, descended to his only child, Helen Stull McLane, subject to the dower right of her mother, and also subject to the dower right of her grandmother. Margaret J. McLane, who died in June, 1921. After the death of Helen Stull MoLane, it was determined by the Court that her interest in these properties had, under the statue of descents in Maryland, in force at the time of her death, vested in Robert C. McLane and other descendants of her paternal great grandfather, subject to the dower of Georgianna S. McLane, her mother. Mrs. Molane was greatly dissapointed, and it may be admitted, naturally so, at the decree of the Court so holding as she had lived in the property for a number of years and thought it vested in her. At a sale made by the trustees under the decree of the Court, she went to Mr. Theodore H. Alexander. who has gone to the Court House where the property was to be offered at public auction, to bid on those two properties this occured; He was asked why he did not bid at the sale and

"Well, I came up the morning of the sale and sat down in front of Judge Johnson's office about half an hour before the sale started. I didn't know then it was Mrs. McLane. I had only seen her once at her place-she came over to me and says 'Is your name Alexander?' I said 'It is'. 'You buy houses.' I said 'I have been.' She said 'Are you interested in this place?' I said 'I am.' She said 'This is my home I have lived there a long time. I would like to ask you not to bid against me.' I didn't say anything. She said, 'The lawyers in this case-the lawyers are trying to rob me out of my home. In some cases the law punishes robbers, but in this case it seems as though it protects them.' I said, 'If you look at it than way you wont be bothered by me,' so that was the end of the conversation between Mrs. McLane and myself."

He said that she and Mr. Derr approached him between an hour and a half before the sale, and that if she had not made that statement to him he would have bid on the property; that he would have